



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,782	11/08/2005	Tatsuo Itabashi	112857-472	1775
29175 7590 10/22/2008 BELI., BOYD & LLOYD, LLP P. O. BOX 1135 CHICAGO, IL 60690				
EXAMINER DANNEMAN, PAUL				
ART UNIT		PAPER NUMBER		
3627				
MAIL DATE		DELIVERY MODE		
10/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,782

Applicant(s)

ITABASHI, TATSUO

Examiner

PAUL DANNEMAN

Art Unit

3627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in reply to Applicant's response filed 11 July 2008 to the first office action.
2. Claim 21 has been amended.
3. Claim 26 has been cancelled.
4. Claims 1-25 and 27-28 are pending and have been examined.

Response to Arguments

5. Applicant's arguments with respect to claims 1-22 and 25-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. **Claims 1-25 and 27-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mas Ribes, US 2003/0097123 A1, henceforth known as Ribes and further in view of Takayama et al., US 2004/0103063 A1, henceforth known as Takayama.

As per Claims 1-3, 7-9, 13-15, 19-21 and 27-28, Ribes in at least FIG. 2, FIG.3, FIG.4 and paragraph [0020] discloses a Mobile Terminal with mobile code comprised of a resource usage section containing at least a resource requirements list (RRL) including those resources needed by the mobile code to be properly executable plus those resources known a priori to being accessed when executing the mobile code. Ribes in at least paragraph [0022] further discloses that the mobile code contains, in addition to the resource requirements list, any of the following information: a) issuer of the certificate information identifying the entity issuing the certificate, b) subject information identifying the mobile code to which the certificate is referred, and c) validity period information stating the period of time within which the

certificate is valid. Any of this information further serves to improve the ability of the system to manage resources.

Ribes in at least FIG.3 and paragraphs [0091, 0092] further discloses a Mobile Terminal requesting a resource owner for access to a resource, acquiring a right to use the resource during the payment/licensing phase. Ribes in at least paragraph [0047] further discloses the dynamic discovery and request for resources not listed in the RRL.

Ribes does not specifically disclose a payment-notification process and a right-to-use process per se, however Ribes in at least paragraphs [0035, 0036, 0037, and 0038] discloses during the negotiation phase, a downloading process which further includes a user and/or platform authentication, specifying restrictions imposed by the mobile code distributor as to the user and/or platform involved, and or payment/licensing evaluation, comprising the financial aspect of the mobile code transfer. The platform authentication guarantees to the software producer/distributor that a contribution to the deal is acknowledged and the mobile code is used in the proper way. Takayama in at least FIG.1-FIG.3, FIG.26, FIG.29, FIG.58, and paragraphs [0023-0028] discloses receiving an electronic-value purchase request from a portable terminal, transferring the purchase request to an electronic-value issuing server, receiving an electronic-value transferred from the issuing server, storing the electronic value and transmitting the electronic-value to the portable terminal and controlling the electronic-value such that it is shared in a secure manner. Takayama in at least paragraph [0126-0129] further discloses authenticating the value requesting apparatus, the user, and the value issuer. Therefore, it would have obvious, at the time of the invention, to one of ordinary skill in the art to combine the well known elements of Ribes' mobile resource management system and Takayama's electronic-value banking system to achieve the predictable results of securely paying for resources provided to a mobile platform.

As per Claims 4-5 and 17, Ribes in at least paragraph [0047] discloses a security concern for both the calling and the called code and each needing to impose their own access control based on an authenticated message exchange system. Ribes in at least paragraphs [0115 through 0123] discloses

various authentication, encryption and non-identity based encryption processes for multiple party communications.

As per Claims 6, 12, 18, and 25, Ribes does not specifically disclose the type of resources or that they are of apparatus, information, or license for information type. However, Ribes in at least paragraph [0026] discloses that the resource requirements' list specifies a type of resource to be requested. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art, that Ribes does not specifically limit the availability of resources to those specified by the applicant and therefore exceeds Applicant's specified resource type.

As per Claims 10-11, 16 and 22, Ribes does not specifically disclose authenticating a value apparatus or authentication of payment notification per se. However, Ribes in at least FIG.3 and paragraphs [0089 through 0094] discloses requesting a resource, a negotiation phase where user and platform authentication will be used by the resource owner and a payment/licensing phase should the resource require payment for usage of that resource. Takayama in at least FIG.1-FIG.3, FIG.26, FIG.29, FIG.58, and paragraphs [0023-0028] discloses receiving an electronic-value purchase request from a portable terminal, transferring the purchase request to an electronic-value issuing server, receiving an electronic-value transferred from the issuing server, storing the electronic value and transmitting the electronic-value to the portable terminal and controlling the electronic-value such that it is shared in a secure manner. Takayama in at least paragraph [0126-0129] further discloses authenticating the value requesting apparatus, the user, and the value issuer. Therefore, it would have obvious, at the time of the invention, to one of ordinary skill in the art to combine the well known elements of Ribes' mobile resource management system and Takayama's electronic-value banking system to achieve the predictable results of securely paying for resources provided to a mobile platform.

As per Claims 23 and 24, Ribes does not specifically disclose a means for making an electronic-value payment and a transfer of an electronic-value payment. Takayama in at least FIG.1-FIG.3, FIG.26,

FIG.29, FIG.58, and paragraphs [0023-0028] discloses receiving an electronic-value purchase request from a portable terminal, transferring the purchase request to an electronic-value issuing server, receiving an electronic-value transferred from the issuing server, storing the electronic value and transmitting the electronic-value to the portable terminal and controlling the electronic-value such that it is shared in a secure manner. Takayama in at least paragraph [0126-0129] further discloses authenticating the value requesting apparatus, the user, and the value issuer. Therefore, it would have obvious, at the time of the invention, to one of ordinary skill in the art to combine the well known elements of Ribes' mobile resource management system and Takayama's electronic-value banking system to achieve the predictable results of securely paying for resources provided to a mobile platform.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

18 October 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627